

H. B. No. 4, A bill to be entitled "An Act to create a State bonded warehouse system and afford a method of co-operative marketing for those engaged in the production of farm and ranch products and for the purpose of effectuating this and creating the office of State Warehouse Commissioner, to be appointed by the Governor, with the advice of the Senate, defining the authority of the Commissioner and giving his powers of visitation over the corporations, chartered under this act; as a part of the system authorizing the formation of State bonded warehouse corporations on the mutual plan, to be under the supervision and control of the State Warehouse Commissioner; defining the purpose, power and authority of such corporation and regulating the chartering, managing and business of same; defining and prescribing the receipts to be issued by State bonded warehouses and the rights of the respective parties thereunder, and providing the law, rules and regulations governing the same; stating the business which may be conducted by State bonded warehouses as incidents of their warehouse and marketing business; declaring gins to be subject to a public use and requiring that all ginners in the State shall after July 31, 1915, obtain a license from the State Warehouse Commissioner and give bond so to do, and prescribing certain rules and regulations relative to the ginning and baling of cotton and sampling the same; authorizing the State Warehouse Commissioner to employ the services of a chief clerk, defining his duties, and also the necessary clerical help, office force and examiners, and creating the office of State warehouse examiners, defining their authority, duties and compensation; prescribing the salary of the State Warehouse Commissioner and his chief clerk; vesting the authority now vested by law in the Commissioner of Insurance and Banking with reference to public warehouses in the State Warehouse Commissioner, and transferring the archives in the office of the Commissioner of Insurance and Banking with reference to warehouse corporations to the office of the State Warehouse Commissioner, but providing that this section does not apply to the law passed by the present session of the Legislature with reference to the establishment of State warehouses as an emergency measure by the Commissioner of Insurance and Banking; creating and defining offenses in violation of the act,

and prescribing penalties therefor; making appropriation for carrying the act into effect, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

COLLINS, Chairman.

#### TWENTIETH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, September 17, 1914.

The Senate met pursuant to adjournment, and was called to order by President Pro Tem. Warren.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Hudspeth.
Bailey of DeWitt.	Johnson.
Bailey of Harris.	Lattimore.
Brelsford.	McGregor.
Carter.	McNealus.
Clark.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Henderson.	Willacy.

Absent—Excused.

Morrow.

Prayer by Rev. W. A. Hamlett, of Austin.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Taylor.

#### EXCUSED

On account of important business:

Senator Brelsford for non-attendance Monday, Tuesday and yesterday, on motion of Senator McNealus.

Morning call concluded.

#### SENATE BILL NO. 11.

Action recurred on the pending business from yesterday, Senate bill No. 11, and,

Senator Gibson, in view of the fact that today being House bill day by the rules, asked that the Senate take up House bill No. 4 in lieu of the pending business, but there was objection, and,

Pending discussion, Senator Wiley made the point of order that the bill had been reported favorably and to be printed and that the same had not been returned to the Senate as printed and could not be considered at this time.

### RECESS.

Pending discussion, Senator Cowell moved that the Senate recess until 2:30 o'clock today in order that the Senate may attend the cotton conference, meeting here today in response to the Governor's call. The motion was adopted by the following vote:

#### Yeas—18.

Astin.	Harley.
Bailey of DeWitt.	Henderson.
Brelsford.	Hudspeth.
Collins.	Johnson.
Cowell.	McNealus.
Darwin.	Real.
Gibson.	Taylor.
Greer.	Warren.
Hall.	Westbrook.

#### Nays—11.

Bailey of Harris.	Terrell.
Carter.	Townsend.
Clark.	Watson.
Lattimore.	Wiley.
McGregor.	Willacy.
Nugent.	

#### Absent.

Conner.

#### Absent—Excused.

Morrow.

### AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Warren.

### SENATE BILL NO. 11.

Action here recurred on the pending business, Senate bill No. 11, the question before the Senate at the time the Senate recessed was a point of order by Senator Wiley and the same was withdrawn.

The question on the bill was the pending amendment.

Senator Hudspeth raised the point of

order that the joint rules provided that Wednesdays and Thursdays were House bill days and called for the consideration of House bill No. 4.

The Chair, President Pro Tem. Warren, overruled the point of order.

Action then recurred on the pending amendment to Senate bill No. 11, and, Senator McGregor moved to table same, which motion to table was adopted by the following vote:

#### Yeas—14.

Astin.	Harley.
Bailey of Harris.	McGregor.
Carter.	McNealus.
Clark.	Terrell.
Collins.	Townsend.
Conner.	Watson.
Hall.	Westbrook.

#### Nays—13.

Bailey of DeWitt.	Johnson.
Cowell.	Lattimore.
Darwin.	Nugent.
Gibson.	Real.
Greer.	Taylor.
Henderson.	Wiley.
Hudspeth.	

#### Present—Not Voting.

Warren.

#### Absent.

Brelsford.

Willacy.

#### Absent—Excused.

Morrow.

Senator Henderson offered the following amendment to the amendment:

Amend the amendment by adding Section 14, as follows:

"Sec. 14. Provided, that the provision of this bill shall not be construed to prevent oil mills from owning and operating gins for the purpose of ginning or taking from the seed what is commonly known as linters."

The amendment to the amendment was read and Senator Clark moved to table same, which motion to table was lost by the following vote:

#### Yeas—4.

Clark.	McNealus.
Collins.	Westbrook.

#### Nays—22.

Astin.	Gibson.
Bailey of DeWitt.	Greer.
Carter.	Hall.
Conner.	Harley.
Cowell.	Henderson.
Darwin.	Hudspeth.

Johnson.  
Lattimore.  
McGregor.  
Nugent.  
Real.

Present—Not Voting

Warren.

Absent.

Bailey of Harris. Willacy.  
Brelsford.

Absent—Excused.

Morrow.

The amendment to the amendment was adopted.

Senator Townsend offered the following amendments to the amendment, they being offered and acted on separately:

(1)

Amend the substitute on page 187, of Senate Journal by striking out the period after the word "pay" in Section 2, and adding the following thereafter: "Or for the public generally."

(2)

Amend the substitute bill by adding after the word "person" in line 1 of Section 13, the word "wilfully."

(3)

Amend Section 9 of the substitute bill by striking out "twenty-five hundred (\$2500) dollars," and insert in lieu thereof "five thousand dollars."

Senator Darwin offered the following amendment to the amendment:

Amend the amendment, Sec. 3, by striking out paragraph (f).

The amendment to the amendment was read and Senator McGregor moved to table same, which motion to table was lost by the following vote:

Yeas—10.

Astin.  
Bailey of DeWitt.  
Bailey of Harris.  
Carter.  
Clark.

Nays—17.

Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Hall.

Collins.  
McGregor.  
McNealus.  
Townsend.  
Westbrook.

Harley.  
Henderson.  
Hudspeth.  
Johnson.  
Lattimore.  
Nugent.

Real.  
Taylor.  
Terrell.

Present—Not Voting.

Warren.

Absent.

Brelsford.

Willacy.

Absent—Excused.

Morrow.

The amendment to the amendment was lost.

Senator Darwin offered the following amendment to the amendment:

Amend the amendment, Section 9, last line of first column by adding between the word "county" and the word "where" the words "or adjoining counties."

The amendment to the amendment was read and lost by the following vote:

Yeas—12.

Astin.  
Bailey of DeWitt.  
Cowell.  
Darwin.  
Gibson.  
Greer.

Hall.  
Hudspeth.  
Johnson.  
Nugent.  
Real.  
Wiley.

Nays—15.

Bailey of Harris.  
Carter.  
Clark.  
Collins.  
Conner.  
Harley.  
Henderson.  
Lattimore.

McGregor.  
McNealus.  
Taylor.  
Terrell.  
Townsend.  
Watson.  
Westbrook.

Present—Not Voting.

Brelsford.

Warren.

Absent.

Willacy.

Absent—Excused.

Morrow.

Senator Lattimore offered the following amendment to the amendment:

Amend the amendment as amended by adding a new section after Section 13 to be known as Section 15, to read as follows:

"Sec. 15. No affidavit such as is provided for in Sec. 3 shall be made by any non-resident of this State, and the venue of any prosecution for falsely making such affidavit falsely shall be in

either the county where the proposed oil mill or gin is located or in Travis county, Texas."

The amendment to the amendment was read and Senator Watson moved to table same, which motion to table was adopted.

Senator Nugent offered the following amendment to the amendment:

Amend the amendment by striking out all of Section 13 and rewriting the same as follows:

"Sec. 13. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail not to exceed one year."

The amendment to the amendment was read and Senator Watson moved to table same, which motion was adopted.

Action here recurred on the amendment by Senator McGregor, as amended, and the same was adopted by the following vote:

Yeas—14.

Astin.	McGregor.
Brelsford.	McNealus.
Carter.	Taylor.
Clark.	Townsend.
Collins.	Watson.
Conner.	Westbrook.
Lattimore.	Wiley.

Nays—12.

Bailey of DeWitt.	Hall.
Bailey of Harris.	Harley.
Cowell.	Henderson.
Darwin.	Hudspeth.
Gibson.	Johnson.
Greer.	Real.

Present—Not Voting.

Nugent.	Warren.
Terrell.	Willacy.

Absent—Excused.

Morrow.

Senator Watson moved that further consideration of the bill be postponed until September 22, after the conclusion of the morning call.

Senator McGregor moved to table the motion to postpone, which motion to table was lost by the following vote:

Yeas—10.

Astin.	Carter.
Bailey of Harris.	Clark.

Hall.	Terrell.
McGregor.	Townsend.
McNealus.	Westbrook.

Nays—17.

Bailey of DeWitt.	Hudspeth.
Collins.	Johnson.
Conner.	Lattimore.
Cowell.	Nugent.
Darwin.	Real.
Gibson.	Taylor.
Greer.	Watson.
Harley.	Wiley.
Henderson.	

Present—Not Voting.

Warren.

Absent.

Brelsford.

Willacy.

Absent—Excused.

Morrow.

Action recurred on motion to postpone consideration of the bill until September 22, and the same was adopted by the following vote:

Yeas—17.

Bailey of DeWitt.	Hudspeth.
Collins.	Johnson.
Conner.	Lattimore.
Cowell.	Nugent.
Darwin.	Real.
Gibson.	Taylor.
Greer.	Watson.
Harley.	Wiley.
Henderson.	

Nays—11.

Astin.	McNealus.
Bailey of Harris.	Terrell.
Brelsford.	Townsend.
Carter.	Westbrook.
Clark.	Willacy.
McGregor.	

Present—Not Voting.

Warren.

Absent.

Hall.

Absent—Excused.

Morrow.

Senator Hudspeth moved to reconsider the vote by which the consideration of the bill was postponed and lay that motion on the table.

The motion to table was adopted.

## HOUSE BILL NO. 4.

The Chair laid before the Senate on second reading,

H. B. No. 4, A bill to be entitled "An Act to create a State bonded warehouse system and afford a method of co-operative marketing for those engaged in the production of farm and ranch products and for the purpose of effectuating this and creating the office of State Warehouse Commissioner, to be appointed by the Governor, with the advice of the Senate; defining the authority of the Commissioner and giving him powers of visitation over the corporations chartered under this act; as a part of the system authorizing the formation of State bonded warehouse corporations on the mutual plan, to be under the supervision and control of the State Warehouse Commissioner; defining the purpose, power and authority of such corporation and regulating the chartering, management and business of same; defining and prescribing the receipts to be issued by State bonded warehouse and the rights of the respective parties thereunder, and providing the law, rules and regulations governing the same; stating the business which may be conducted by State bonded warehouses as incidents of their warehouse and marketing business; declaring gins to be subject to a public use and requiring that all ginners in the State shall, after July 31, 1915, obtain a license from the State Warehouse Commissioner and give bond so to do, and prescribing certain rules and regulations relative to the ginning and baling of cotton and sampling the same; authorizing the State Warehouse Commissioner to employ the services of a chief clerk, defining his duties, and also the necessary clerical help, office force and examiners, and creating the office of State warehouse examiners, defining their authority, duties and compensation; prescribing the salary of the State Warehouse Commissioner and his chief clerk; vesting the authority now vested by law in the Commissioner of Insurance and Banking with reference to public warehouses in the State Warehouse Commissioner, and transferring the archives in the office of the Commissioner of Insurance and Banking with reference to warehouse corporations to the office of the State Warehouse Commissioner, but providing that this section does not apply to the law passed by the present session of the Legislature with reference to the establishment of State warehouses as an

emergency measure by the Commissioner of Insurance and Banking; creating and defining offenses in violation of the act, and prescribing penalties therefor; making appropriation for carrying the act into effect, and declaring an emergency."

The bill was read second time, and Senator Westbrook offered the following amendment:

Strike out Section 6 and insert in lieu thereof the following:

Sec. 6. Each gin operating in the State of Texas, or hereafter put in operation after the taking effect of this act shall be required to give a bond in the sum of one thousand (\$1000) dollars, with two or more good and sufficient sureties, or with a bonding company authorized under the laws of this State to operate herein, such bond to be conditioned as provided in Section 7a of this act.

Sec. 6a. It shall be the duty of each cotton gin, during the process of ginning each bale of cotton, to procure and keep two fair, true and correct samples of the cotton, weighing not less than four (4) ounces each, and place the same in separate receptacles and seal the same, so that they may not be opened except by cutting; and on the receptacles holding said samples of cotton there shall also be placed numbers corresponding with the number of the bale from which said samples were taken. There shall also be placed on the receptacles holding said samples of cotton a certificate over the signature of the ginner or gin company, certifying that said samples are true, correct and fair samples and that the ginner or gin company guarantees them under its bond, and that during the process of ginning said bale no foreign substance, water or anything had been placed in said cotton, or thereafter while said cotton was in the possession of the ginner or gin company; and such certificate shall also have the name and address of the party for whom ginned, the name and address of the ginner or gin company, the name and address of the person upon whose land the cotton was raised and the number of the bale on the books of the said gin company. After said bale of cotton has been withdrawn from any warehouse where same has been placed, such samples not demanded by the owner of said cotton corresponding therewith shall be collected, baled and sold by and under the authority of the State Warehouse Commissioner, and the proceeds thereof shall be placed in the State Treasury to the credit of the warehouse fund; but in

all instances at least one correct sample of said cotton shall accompany said bale to any prospective market where same is offered for barter or sale, to be used for the purpose of determining the grade of said cotton; and in no event shall said bale of cotton be cut or otherwise mutilated, except by permission of the owner of the same.

WESTBROOK.  
COLLINS.

Senator Conner offered the following substitute for the amendment:

Amend the bill by striking out Section 6 of the bill.

(Senator Hudspeth in the chair.)

#### MESSAGE FROM THE GOVERNOR.

Pending discussion on the above amendment, the following message from the Governor was received and read to the Senate:

Governor's Office,  
Austin, Texas, September 17, 1914.

To the Senate and House of Representatives:

In harmony with clause 2 of the Governor's proclamation convening the Thirty-third Legislature in special session, and in line with the provisions of Section 40 of Article 3 of the Constitution of Texas, I present to you the following further subject for legislation, to-wit:

An Act to amend Article 5477 of the Revised Civil Statutes of the State of Texas relating to the landlord's lien, so as to provide that such lien as to agricultural products when stored in bonded and public warehouses, regulated and controlled by the laws of the State of Texas, shall continue so long as such products remain in such warehouses.

From an examination of the emergency warehouse bill recently passed by the Legislature, fear is expressed that it will result in the enforcement of the landlord's lien within thirty days after the storing of cotton in the public warehouses provided for. Whereas, it is highly desirable that the landlords assist tenants in holding cotton, to the end that the landlord and his tenant may both receive the full benefits of increased prices resulting from storage and holding of said cotton.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

#### HOUSE BILL NO. 4.

Action recurred on the pending business, House bill No. 4, the question being on the pending substitute for the pending amendment.

#### BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senators Conner, Nugent, Bailey of DeWitt:

S. B. No. 15, A bill to be entitled "An Act to amend Article 5477 of the Revised Civil Statutes of the State of Texas relating to the landlord's lien so as to provide that such lien as to agricultural products, when stored in bonded warehouses regulated and controlled by the laws of the State of Texas, shall continue so long as such products remain in such warehouses, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

#### ADJOURNMENT.

On motion of Senator Gibson the Senate, at 5:15 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

#### APPENDIX.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, September 17, 1914.

Hon. Robt. L. Warren, President Pro Tem. of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

S. B. No. 14, A bill to be entitled "An Act to establish the 'Bank of Texas,' and defining the purpose and method of its organization, its rights, privileges, duties and liabilities; the object and purpose of the act being to provide a fiscal agency for the State, its counties, municipal corporations and all districts heretofore or hereafter created with the power to levy and collect taxes and issue bonds or to expend the public funds to the end that the fiscal officers of the State and its various governmental agencies may administer their affairs on a sound financial basis, maintain all warrants at par, find a ready and sufficient market for bonds and other obligations, obtain cash against unmatured and uncollected tax levies and generally to furnish an agency of

sufficient capital and authority to maintain the financial affairs of the State and its various governmental agencies in a sound and efficient manner; to furnish a safe and lucrative investment for the permanent school fund of the State with a definite and certain return; to enable the holders of all school warrants drawn against the available school fund, uncollected at the time of their issuance to obtain cash thereon without discount thereof; to provide a reserve bank in aid of the general banking system of the State; to assist in maintaining the solvency of the banks chartered in the State of Texas and to preserve intact the depositors' guarantee fund; to prevent the sacrifice of a large part of the products of the industry now impending and due to calamities and exigencies of war; to maintain the integrity of the actual values of the products of industry during the present period of financial disturbance, to the end that taxes may be collected and taxable values be maintained; to enable the people of the State generally to obtain their ratable and proper distribution of currency issued or authorized to be issued by the national government or other relief in the issuance of money or currency made by the national government or authorized to be made by it; to preserve the normal business conditions of the State against the present disturbances brought by the wars on the continent of Europe and to guard against the repetition of like disturbances due to that or any other cause; and generally to preserve the credit and industrial and financial integrity of the State; setting forth in detail how these purposes and the organization of the bank may be accomplished; concerning certain authority on the Board of Education as an organization committee of the bank, fixing the capital of the bank and how the same shall be paid in, and from whence derived; prescribing that the capital of the bank shall consist of the face value of the principal of municipal or other bonds now held by the permanent school fund of the State of the approximate amount of \$17,800,000, and such additional amounts as may be subscribed and paid in by member banks under the provisions of the act; defining the powers and authority of the Bank of Texas; requiring every banking corporation chartered under the laws to become a member of the Bank of Texas within a period of fifteen months and defining the terms under which such corporations

may become members; prescribing a Board of Directors for the government and management of The Bank of Texas and defining their authority; defining the rights and privileges of a member bank for the Bank of Texas and authorizing the admission of National banks as members; setting forth in detail the power and authority of The Bank of Texas as a corporation and stating in what business it may engage; providing that the Bank of Texas shall be the fiscal agent of the State and depository of all general and special funds which may under the Constitution be placed in the depository and defining its privileges and rights and liabilities as such; providing that The Bank of Texas shall be governed by the general banking laws, civil and criminal, of the State except in those portions in conflict with this act; providing when The Bank of Texas shall begin operation; defining the authority of the organization committee and authorizing the organization committee composed of the Board of Education to organize The Bank of Texas and to incur necessary expense for such purpose; making an appropriation therefor, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and that it be printed.

CARTER, Acting Chairman.

(Floor Report.)

Austin, Texas, September 17, 1914.

Hon. Robt. L. Warren, President Pro Tem. of the Senate.

Sir: Your Finance Committee, to whom was referred

H. C. R. No. 6, A concurrent resolution relating to the payment of a debt created by the First Called Session of the Thirty-third Legislature in the publication of the Journal of both the House and the Senate, and also the Legislative Manual; providing for paying debt due the State printing contractors for printing Journals and Manual of Regular and First Called Sessions of Thirty-third Legislature, and for paying the unpaid mileage and per diem warrants outstanding.

Have had the same under consideration and we are instructed to report same back to the Senate with a recommendation that it do pass, with the following amendment:

"Amend by adding the words 'of the Second Called Session of the Thirty-

third Legislature' after the word 'Senate' and after the word 'appropriation' wherever the same occur, and that said resolution be not printed."

Willacy, Chairman, Cowell, Lattimore, Astin, Nugent, Johnson, Wiley, Bailey of DeWitt, Brelsford, McGregor.

Committee Room,

Austin, Texas, September 17, 1914.

Hon. Robt. L. Warren, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has carefully compared Senate bill No. 5, and find same correctly engrossed.

BRELSFORD, Chairman.

#### TWENTY-FIRST DAY.

Senate Chamber,  
Austin, Texas,

Friday, September 18, 1914.

The Senate met pursuant to adjournment, and was called to order by President Pro Tem. Warren.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Johnson.
Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.
Henderson.	Willacy.
Hudspeth.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Westbrook.

#### PETITIONS AND MEMORIALS.

Under head of Petitions and Memorials, Senator Westbrook offered a letter from a citizen of Emory, Texas, relating to the cotton situation, and requested that it be printed in full in the Journal. There was objection, and Senator Westbrook moved that the letter be printed in full in the Journal:

The motion was lost by the following vote:

Yeas—8.

Bailey of Harris.	Townsend.
Brelsford.	Warren.
Collins.	Westbrook.
McNealus.	Willacy.

Nays—19.

Astin.	Henderson.
Bailey of DeWitt.	Hudspeth.
Carter.	Johnson.
Conner.	Lattimore.
Cowell.	McGregor.
Darwin.	Real.
Gibson.	Terrell.
Greer.	Watson.
Hall.	Wiley.
Harley.	

Present—Not Voting.

Morrow.	Nugent.
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Absent.

Clark.	Taylor.
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(See Appendix for brief of the letter.)

#### SIMPLE RESOLUTION.

By Senator Lattimore:

Resolved, by the Senate that each Senator give to the notary clerk by 11 o'clock this, Friday, morning the names of all parties for appointment as notaries public, that the notary clerk be and he is hereby instructed to forthwith thereupon report all such names to the Governor;

That the Governor be and he is hereby requested to send to the Senate by 3 o'clock this p. m. all of his notary appointments not heretofore acted upon, and that at 3 o'clock this p. m. the Senate go into executive session for the purpose of confirming such notary appointments.

NUGENT.  
LATTIMORE.

The resolution was read and adopted.  
Morning call concluded.

#### HOUSE CONCURRENT RESOLUTION NO. 6.

(By Unanimous Consent.)

The Chair laid before the Senate